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MEMORIAL

OF THE

DELEGATES

APPOINTED BY VARIOUS SECTIONS

OF THE

DISTRICT OF COLUMBIA.

22d JANUARY, 1805.

Read and referred to Mr. Nicholson,
Mr. Thompson,
Mr. Plater,
Mr. Lewis, and
Mr. Lucas.

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TO THE SENATE AND HOUSE OF REPRESENTA-
TIVES OF THE UNITED STATES.

*The Memorial of Delegates appointed by various
sections of the District of Columbia.*

RESPECTFULLY REPRESENTS :

THAT their constituents, at the commencement of the present session, with a view to ascertain the general opinion on such objects as might require the interposition of Congress, and which by being presented in one view might supersede numerous petitions on subordinate points, so apt to distract the attention, and unnecessarily consume time claimed by national concerns, empowered your Memorialists to take into consideration the situation of the District, and submit whatever in their opinion its welfare required.

Your Memorialists accordingly met at an early period, and made considerable progress in the business confided to them, when their deliberations were arrested by the propositions offered for a recession of the district. As soon as a decision was made upon them, your Memorialists resumed their sittings, and now embrace the earliest opportunity in their power of inviting the attention of the legislature to the results of their deliberations. In submitting these, they beg leave to state that they have refrained from noticing any objects, an attention to which is not at the present time of indispensable importance to the interests of the District.

The object, which, from its superior interest, first engaged their attention, is the administration of justice. By a recurrence to the laws of Congress it appears, that in organising the judiciary

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system of the United States, fees were allowed to the officers of the courts established in the respective states equal to those allowed in the supreme courts thereof, with an addition of one third, together with other emoluments. The reason of this liberal allowance was doubtless the high grade of suits generally carried before those tribunals, and the great extent of country they embraced. When Congress assumed jurisdiction over this small territory, the same fees, it is presumed, from inadvertence, were allowed to the officers of the circuit court of the District of Columbia, as those allowed in the other circuits. Previous to this time, that portion of the District, which at present forms the county of Washington, was charged with fees similar in amount to those paid in the county courts of Maryland; and that portion, which now forms the county of Alexandria, was charged with the same fees as those paid in the county courts of Virginia. By this provision the fees have been increased in some instances to double, and in other instances to three times the amount paid under the states to which the portions of the district were attached. Local and peculiar circumstances, so far from creating any reason for this augmentation, strongly enforce a diminution. Among these are :

The small size of the District.

Its compact population.

The increased number of suits before the circuit court, from the extension of its cognisance to controversies for sums exceeding twenty dollars, the greater part of which arise between tradesmen and mechanics in moderate circumstances.

Without going into detail, it may be proper to state, that where the defendant immediately on being served with a writ, satisfies the demand against

him the costs are seldom less than ten dollars; that, in a suit where the debt is not contested, but which is carried into court solely for delay, the costs amount to thirty three dollars, even in cases where the debt does not exceed twenty-one dollars. In the case of an appeal from the decision of a magistrate on a demand of 13 dollars, which was reversed by the court, the costs incurred by the defendant amounted to about 130 dollars, nearly one third of which was in compensation to witnesses.

Your memorialists need scarcely, after the statement of these facts, and the mass of corroborating facts herewith submitted, say, that the existing system presses with a weight upon the District, that threatens in a short time to destroy the industry of the honest citizen, or drive him from it. In order to remove these evils your Memorialists pray a reduction of the fees of the officers of the circuit court, in the county of Washington, to the rates payable to the officers of the county courts of Montgomery and Prince George's, in the state of Maryland, at the time of the assumption of the jurisdiction by Congress; and, of those of the officers of the circuit court in the county of Alexandria, to the rates payable to the officers of the county court of Fairfax, in the state of Virginia, at the same period.

It is respectfully submitted, whether the impartial administration of justice does not require the repeal of so much of the act of Congress, entitled an act additional to and amendatory of an act concerning the District of Columbia, as repeals the act providing for the compensation of the justices of the peace thereby created; and as directs execution on magistrate's judgments to issue from the clerk's office, and allows him a compensation therefor, and likewise so much thereof as relates to the compensation of jurors in the county of Wash-

ington ; which repeal your Memorialists have no hesitation in saying, will give general satisfaction to their constituents.

Experience having proved the existence of various defects in the militia system, it is recommended as the means of obviating them, and of rendering the system more acceptable to the inhabitants of the District, that it be so altered as to reduce the number of musters from eight, as now directed to be held, to five—that is, three musters in company, one in battalion, and one in legion ; to reduce the number of courts for assessing fines from six, as now directed to be held, to four—that is, two battalion and two legionary courts ; to make the persons of delinquents liable to arrest and imprisonment, not exceeding twenty four hours, for each day's non-attendance, where property is not shewn whereon to assess the fines ; and to devolve the collection of fines on the Marshal of the District, as practised in the first instance, instead of collectors appointed by military courts, as is now the case.

Your Memorialists further request that validity may be given in the District of Columbia to letters testamentary and of administration, granted in any part of the United States, in which the testator or intestate resided at the time of his death ; and that owners of slaves residing within the District, may be permitted to remove them from time to time from one county thereof to the other, without incurring any penalty or forfeiture.

Inconveniences having arisen from the want of competent authority, to lay out and keep in repair roads within the county of Washington, it is requested that adequate provision be made for this interesting object.

Your Memorialists are duly impressed with the lateness of the period of their application, and its

possible interference with an attention to objects under the consideration of Congress : but they are likewise impressed with the belief that a sincere disposition exists to promote the general interests of the District, and so far as they can be ascertained, to consult the wishes of its inhabitants ; having, however, made no request, not dictated by considerations of great weight, and justified by a regard for the interests of their constituents, they entertain the hope that their representation will obtain the early attention of Congress.

C. CONINGHAM, *President.*

N. KING, *Secretary.*

January 18, 1805.

DOCUMENTS

ACCOMPANYING

THE FOREGOING MEMORIAL.

The Committee appointed on the 19th November 1804, to whom was referred a resolution directing certain enquiries to be made respecting the administration of law, and the fees allowed to the officers of the district court, offer the following report, as the result of their labors.

THEY have, from Herty's Digest of the Laws of Maryland, ascertained the fees payable to the clerks of the county courts of the state, and reduced them from tobacco, to the currency of the United states, in paper marked A.

They have also from the same source, obtained the fees payable to the sheriff's in Maryland, in the money of the United States, in paper marked B.

They have from the law of Congress, chap. 125. sec. 1. passed on the 28 February, 1799, made an extract C. of the fees allowed to the Marshal; which they have also entered in paper B. for the purpose of making the comparison between them, and the fees received by the sheriffs of Maryland for similar services.

They have from the same law, ascertained the fees of the clerk of the district court, in extract D. These are entered, where for similar services in the paper A. for the purpose of comparing the compensation of clerk of the district court, with the clerks of the county courts of Maryland.

The paper marked E. shews the number of suits on the docket, at each court or term since the establishment of the county court, for the county of Washington: from this it will appear that at the three courts holden in 1801, quarter yearly, there were appearances 763,—imparlances 384,—trials 193,—appeals 8,—and criminal cases 71. At the three courts held in 1802, two of which were quarter yearly, and the third 6 months thereafter; there were 1,119 appearances—657 imparls.—746 trials,—23 appeals, and 96 criminal cases. At the 2 half yearly courts holden in 1803, there were 880 appearances,—723 imparlances,—462 trials,—17 appeals, and 93 criminal cases:—That at the July term in 1804, there were 467 appearances,—316 imparlances,—267 trials,—7 appeals, and 65 criminal cases.

Desirable as it is, your committee cannot obtain “the nature and amount of those suits, with the expences attending them, and the sums recovered,” without paying a large sum in fees to the clerk of the court for searches, &c. or they would willingly have taken on themselves the labor of extracting all the information which the documents would afford. Nor can they from the same causes obtain the facts relative to cases of insolvency; and which might throw light upon their causes; and shew how far it is through the instrumentality of the judiciary establishment of the district that they occur.

The number of criminal cases which appear on the docket may be averaged at about ninety in

each year, but the committee have not been able to ascertain the amount of fines imposed.

The Marshal has been obliging enough to furnish the committee with F. the amount of compensation paid to grand and petit jurors at March term, 1802—it being 711 dollars 75 cents. One of the committee being referred to the Marshal's office, from the clerk's, for this information took the liberty of asking other information at the same time, which it was supposed might be obtained from that source G. The application was made to the deputy Marshal at the office, as accident rather than design had led him there. Although unable to obtain the facts wanted, the committee believe the disposition lay with the Marshal and deputy, to furnish any information in their possession; but not having complete returns of fees, judgments, &c. in the office, they could not satisfy the enquiries of the committee.

From a professional gentleman your committee have obtained the following information on the subject of uncontested claims. "That where the defendant is served with a writ, provided he immediately pays the debt, the costs are seldom less than 10 dollars." And that the expences attendant on a suit in the circuit court of the district of Columbia, in Washington county, on a debt of 21 dollars, where the defendant does not deny it, but only wishes to obtain time by carrying it into court, are nearly as follows: The plaintiff's costs 17 dollars 16 cents—the defendants 7 dollars 57 cents, being 24 dollars and 53 cents incurred to the time of judgment. On execution issuing to clerk and marshal for issuing, poundage, serving fieri facias, swearing appraisers, &c.—a further expence of about 7 dollars 97 cents will be incurred: Making in all, the sum payable by the defendant,

to be about 54 dollars and 49 cents, instead of the original debt of 21 dollars ! I.

The committee have not succeeded in their endeavor to ascertain the expence of a suit where an average number of witnesses were summoned, and the proceedings are protracted by appeal, delay, &c. but as an illustration of the effect of these principles, in a case not pursued to the extremity, they refer to the statement H. given by a citizen of Washington, of the expence he was involved in, by defending himself against what he considered as a gross imposition, and where he was supported in the belief by a previous adjudication. A claim of 13 dollars was tried before a magistrate, and judgment given in favor of the defendant. The plaintiff by appeal carried the cause into court,—about four witnesses were examined—the judges determined on the appeal, reversed the decision of the magistrate, and the defendant had to pay about 130 dollars !

At the first establishment of the court, the legal appearance fee of an attorney was fixed at ten dollars. This was, however, at one of the succeeding terms reduced to six dollars sixty seven cents, at which sum it now stands.

On reviewing the information thus obtained, it has suggested certain observations, which the committee deem it proper to submit to the consideration of the delegation. The sudden transition from the economical county courts of the state of Maryland, to the more dignified judiciary system given to the district, however flattering to our vanity, is not calculated to give satisfaction to those whom necessity impels into its vortex, or who take into view our real situation. For notwithstanding the per diem allowance to the Marshal, and the clerk of the court, we find their fees vastly more than the state officers received. By a com-

parison of the fees allowed to our federal officers, with those paid to the officers of the county courts of Maryland, it appears that the Clerk of the Court receives about *two hundred and fifty per cent* advance ! and the Marshal's fees are nearly double what the Sheriff of Maryland used to receive. This great increase of compensation can scarcely have been dictated by considerations of our local situation, for, in a district only ten miles square, and where the population is more collected than usual in counties of a state, it cannot be supposed that additional labor would be imposed on the Clerk, or on the Marshal in the discharge of his duty : the reason of the case seems to point to a contrary conclusion. The circumstance, of this district being established as the seat of the general government, must increase its population by the removal of strangers into it, many of whom will be tradesmen and mechanics, whose small debts will constitute a large proportion of the business of the courts, and on whom this increase of expence in prosecuting their claims, must operate with peculiar hardship. If, on the other hand, these fees were given under the expectation, that from the smallness of the counties in the district, few suits would be instituted, and that the compensation of the officers ought therefore to be increased to enable them to live ; the result seems to shew that expectation was erroneous : As, either from the extension of the jurisdiction to sums of twenty dollars, or the description of the inhabitants, the Washington county docket must afford a reasonable portion of business.

The great labor, and perhaps impossibility of procuring all the facts, relative to the expence of prosecuting, and the amount recovered, has prevented the committee from obtaining an accurate statement ; yet from the docket of the terms which

have already passed, they have ventured an estimate, of the annual expence to the county of Washington, and the probable amount recovered.

The average number of appearances is 988, in the year: of these suppose 88 are not served, it will leave 900 suits on which appearance is entered. And supposing only two attorney's fees to each suit, although there are frequently four, the amount of attorneys fees in Washington county will be annually upwards of - - - *Dollars.* 12,000

The average trial docket is 512, to which suppose 200 have witnesses summoned,—two to each suit, and that they have to attend four days on the average - - - - - 2,000

Suppose the Clerk and Marshal's fees together, on each suit where the Defendant enters an appearance—average \$5 - - - - - 4,500

The supposed annual expence to the inhabitants of the county in the prosecution of suits - - - - - 18,500

The average yearly trial docket being 512, suppose 400 of these are actions of debt, and will one with another be for 50 dollars each. Then the yearly sum recovered in court will be 20,000

Leaving an excess of the amount over the costs of - - - - - 1,500

It has often been considered as humane and beneficial, particularly to debtors, that the trials do not take place until the third term after the institu-

tion of of the suit ;—And a very large portion of suits are believed to be carried into court for the purpose of obtaining this delay. Instead of that effect in this district, it appears that this delay costs between thirty and forty dollars—in many cases exceeding, and in some equal to the original claim. That this expence is frequently involuntary on the part of the debtor, and generally renders him the more unable to pay : a circumstance which even the professional gentlemen and officers complain of, and by which they lose a considerable portion of their fees. It appears to your committee, as more correct, as well as more humane, that the debt should be substantiated as soon as possible, and the delay of execution be given afterwards.—In this case the creditor having evidence of the truth of his claim, can transfer or otherwise dispose of it, while the debtor, knowing the sum he has to pay for such a length of time previous to serving an execution, might make his arrangements for its discharge.

From every view your committee have been able to take of the subject referred to them, they are of opinion, that the Delegation ought to ask of Congress an inferior Court for the county of Washington. That this court should be composed of

That it should have original jurisdiction in all cases between 20 and 100 dollars ; decide on appeals from a single magistrate, and determine on sums under 50 dollars without appeal ; but that an appeal on matters of law should lie to the Circuit Court for sums of 50 dollars or upwards, and the original jurisdiction of the Circuit Court in cases of debt, be limited to 100 dollars.

DANIEL REINTZEL, *Chairman.*

NICHOLAS KING.

BENJAMIN MORE.

The Committee to whom was referred the enquiry into the effects of our system of civil jurisprudence, on the county of Washington, beg leave to report on the following subjects, referred to them :—

1st. The effect and operation of so much of a law of Congress, additional to, and amendatory of an act concerning the district of Columbia, as prohibits the taking of fees by justices of the peace ; and which authorise the clerk of the county court to issue executions on their judgments and take fees therefor.

2d. The effect and operation of so much of the same law as compels jurors to serve without compensation.

3d. And, the effect and operation of so much of the law as provides that “ no capias ad satisfaciendum shall issue on any judgment of a single magistrate, or in any case, where the judgment, exclusive of costs, shall not exceed twenty dollars.”

On the first subject your committee have to observe that the law and practice of the state of Maryland, which authorised the magistrates to receive fees for transacting such business as came before them, was never complained of as a grievance, because, the sums allowed to be taken were in themselves reasonable, and a bare compensation for the time necessarily employed. For issuing a summons or warrant they were entitled to $12\frac{1}{2}$ cents ; for judgment $12\frac{1}{2}$ cents ; execution $12\frac{2}{3}$ cents ; administering an oath 6 cents ; taking bail bonds 25 cents ; taking acknowledgments of deeds 25 cents to each magistrate ; summoning a venire 75 cents ;

valuing an orphan's estate 75 cents ; and for several other duties imposed on them, fees equally light.

While these fees, small as they are, were allowed, there was no complaint of a disinclination on the part of the justices to attend to the adjustment of differences arising among our poorer but industrious citizens. The fees were received from a principle of justice, and the magistrate was reconciled to them by the consideration, that though an inadequate compensation for his time, they were generally paid by a class of citizens, depending on their labour for support, and less able to pay the whole, than the magistrate to abate part of his reasonable claim. The passage of the law which prohibited the magistrates from taking fees, was certainly an evil to the community ; its tendency was, to render the magistracy less attentive to their duties ; and, the adjustment of differences less easy of attainment to the poor ; it militated against the generally acknowledged principle of justice, particularly in republics, that services ought not to be claimed where compensation for them is not allowed ; and it compelled many of our most useful justices of the peace to resign their commissions. While thus taking away from the magistrates, to whom all the trouble of trying the cases brought before them is given, the small compensation they had,—the law directs executions on their judgments to be issued by the clerk of the court, and gives *him double the fee* which the magistrates were allowed to take.

The second subject of enquiry, seems attended with more disadvantages to society, than the first : for if there are a few who can give up a portion of their time, without receiving compensation, to the adjustment of differences between their fellow citizens, and to whom the honor of the magistracy is desirable, they are still fewer in number, who can

leave their affairs for whole days, without previous notice, and attend at a distance from home, at the most unpleasant seasons of the year, for other people's advantage, without being paid for their attendance. When jurors were summoned for the term and received pay for their services, they made arrangements for the transaction of their business during their absence; those summoned were generally judiciously selected, respectable, and in some measure acquainted with those transactions in society, to which their enquiries would be directed. Under the present system how differently are we situated: during the whole court, the citizens best qualified for jurors, are obliged to keep out of the sight of the marshal and his deputies during the morning of the day when they ought to be attending to their business, lest they be summoned on the jury for the day: and the marshal is obliged to take those whom chance or design has thrown in his way; and they are sometimes travellers, strangers to our habits, our manners and our laws; who serving against their will may be more anxious to be discharged, than solicitous to do justice.

The inconveniences felt from the operation of that portion of the law which prohibits imprisonment for debts under twenty dollars, arise in a great measure from our peculiar local situation. Subject to an influx of strangers, by the buildings going on, and the vessels of the United States discharging their seamen in the city, debts of this description to a very considerable amount are contracted by single men with our citizens: many of these contemplating but a transitory residence, and finding the operation of this law, have the dishonesty to avail themselves of it, although they possess sufficient to discharge their debts; and instances of this kind of robbery, aggravated by insult are not

unfrequent. Enemies as your committee are to every thing tyrannical in the execution of the law, they are induced to believe, that the effect of this indulgence is neither favorable to humanity nor justice ; that it is more an introduction to dishonesty, than a provision of humanity in favor of the unfortunate : for few indeed have been the instances of committing the father of a family to prison for a small debt. The law, however, now favors the idle vagabond, shakes the confidence which ought to exist among our citizens, and in many instances is supposed to prevent that lenity and indulgence to the unfortunate, and those having families which they formerly received. When the confidence of the citizen has been several times abused, he will of necessity withdraw it from others, and the innocent suffer from the injustice of the depraved.

The committee therefore recommend the passing of the following resolution, as declaratory of the sense of the delegation on the subject of the foregoing report.

Resolved, That in the opinion of the delegates of the district of Columbia, the repeal of so much of the act of Congress, entitled an act additional to, and amendatory of, an act concerning the district of Columbia, as repeals the law providing for the compensation of justices of the peace thereby created, would be just, proper, and beneficial to the county of Washington ; as would also, the repeal of so much of the fourth section of said act, as directs execution on magistrate's warrants to issue from the clerk's office, and allows the clerk a fee therefor.

DANIEL REINTZEL,
NICHOLAS KING.

A.

CLERKS' FEES.

	In county courts of Maryland.	In district court of Columbia.
	<i>D. C.</i>	<i>D. C.</i>
Issuing writ and return, - - -	16 $\frac{2}{3}$	26 $\frac{2}{3}$
Filing every declaration if not re- corded, - - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
A copy if demanded, per side,	6 $\frac{2}{3}$	8 $\frac{2}{3}$
Every appearance entered of ei- ther party, - - -	6 $\frac{2}{3}$	13
Entry of every imparlance, - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For every continuance or refe- rence, to be charged on plain- tiff only, - - -	5	8 $\frac{2}{3}$
Every subpoena including all per- sons applied for at the same time,	10	26 $\frac{2}{3}$
Rule to plead or trial moved for and entered, - - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For making up issue or issues in every suit when done by the clerk, - - -	10	40
Entering and signing judgment,	25	57
A venire facias for jurors if issued by order of court, - - -	10	35 $\frac{1}{2}$
Entering the pannel, - - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
Copy pannel, - - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
Taxing and signing bill of costs,	8 $\frac{1}{3}$	17 $\frac{2}{3}$
Copy thereof if demanded with the articles at large, - - -	8 $\frac{1}{3}$	17 $\frac{2}{3}$
Issuing execution and filing the same, without any charge for copy of judgment, - - -	16 $\frac{2}{3}$	31

For filing every special bail taken in or out of court, - - -	$3 \frac{1}{3}$	17
A writ of enquiry of damages per side, - - - - -	$6 \frac{2}{3}$	$17 \frac{2}{3}$
For entering an appeal, - - -	$6 \frac{2}{3}$	$17 \frac{2}{3}$
Return of Certiorari or habeas corpus, and copy of record per side, - - - - -	$6 \frac{2}{3}$	17
Entering a writ of Error, - - -	$6 \frac{2}{3}$	22
Every oath taken in court, - - -	5	$8 \frac{2}{3}$
Proving a deed or writing, - - -	$6 \frac{2}{3}$	
For entering fieri facias per side,	$6 \frac{2}{3}$	17
The same fee in <i>eligits</i> , - - -	$6 \frac{2}{3}$	17
Recording the marks of cattle or hogs, - - - - -	5	
Recording a conveyance per side, - - - - -	$6 \frac{2}{3}$	17
Allowance of habeas corpus, - - -	$6 \frac{2}{3}$	17
For all searches, the <i>first year</i> <i>nothing</i> , - - - - -		
For all searches above one year, if found, - - - - -	$16 \frac{2}{3}$	31
If copy taken, then per side, - - -	$6 \frac{2}{3}$	17
Every fi. fa. per side without any charge for search or copy of judgment, - - - - -	$6 \frac{2}{3}$	17
Short copy judgment if express- ly demanded, - - - - -	$16 \frac{2}{3}$	$35 \frac{1}{2}$
Attachment and fieri facias, - - -	30	57
Habeas corpus, and filing the same and return, - - - - -	$3 \frac{1}{3}$	$48 \frac{1}{3}$
Duces tecum, and return, - - -	$66 \frac{2}{3}$ per fide.	17
Taking security or condemna- tion, entering action agreed, discontinued, struck off or abated, - - - - -	$3 \frac{1}{3}$	$4 \frac{1}{3}$

Commission to examine evidences and return per side,	6 $\frac{2}{3}$	17
A continuance or reference to be charged to plaintiff only,	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For filing every special plea,	3 $\frac{1}{3}$	8 $\frac{2}{3}$
If recorded per side, - - -	6 $\frac{2}{3}$	8 $\frac{2}{3}$
For filing every replication, -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For filing rejoinder, sur-rejoinder, - - - - -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
And for every other pleading, forming up, issue for each,	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For filing demurrer, and joinder in demurrer, - - -	3 $\frac{2}{3}$	8 $\frac{2}{3}$
For filing every account, -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For recording or copying generally, - - - - -	6 $\frac{2}{3}$	17 $\frac{2}{3}$
For entering return of every writ or other process, -	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For filing every other paper,	3 $\frac{1}{3}$	8 $\frac{2}{3}$
For every rule by order of court,	3 $\frac{1}{3}$	8 $\frac{2}{3}$
	3 45	8 16 $\frac{1}{3}$

The above table of the fees of the Clerk of the county courts of Maryland is taken from Herty's Digest of the laws, and the tobacco fees there allowed are reduced into cents, or the currency of the United States. The corresponding fees of the clerk of the district court of Columbia, are taken from the fee bill of the general court of Maryland in the same work, and one-third added thereto, agreeably to the law fixing the fees of the officers of the district courts of the United States. These are also reduced from tobacco as kept in Maryland, to the currency of the United States, as more familiar to citizens of other states. The amount of each column is taken as a mean of comparison of the fees paid to the clerk while we remained sub-

jected to Maryland, with those now imposed by the United States, making about 250 per cent. advance!

By the act of Congress fixing the fees passed the 28th February 1799, an additional compensation of 5 dollars a day during the courts, and 10 cents a mile travelling to them from his residence, is allowed.

CRYERS' FEES.

	Co. Ma- ryland.	District Columbia.
	<i>D. Cts.</i>	<i>D. Cts.</i>
Swearing every jury, - -	60	2 35
Bailiff, - - -	6 $\frac{2}{3}$	22 $\frac{1}{3}$
Every other oath, - - -	5	11
For special bail, - - -	33 $\frac{1}{3}$	1 19 $\frac{2}{3}$
Clearing every prisoner by pro- clamation if required, -	50	1 33 $\frac{1}{3}$
Recording every recognizance,	26 $\frac{2}{3}$	44 $\frac{2}{3}$
	1 81 $\frac{2}{3}$	5 55 $\frac{2}{3}$

The above fees are made out in the same manner and rates as in the preceding table of clerk's fees.

Instead of the above fees, the cryers in the United States and bailiffs are to have 2 dollars a day by act of 28th February, 1799.

B.

THE MARSHAL'S FEES,

Under the acts of Congress.

	Sheriffs fees in Maryland, being the marshals fees where others are not fixed.		Sheriffs fees, where others have been given to the marshal.		The marshals fees where they differ from those of the Sheriff.	
	D.	C.	D.	C.	D.	C.
Serving a writ and return,	45		45		2	
Taking bail bond, -	22		22		50	
Collecting officers fees, 6 per cent.						
For every commitment and releasement, - -	26	$\frac{2}{3}$	26	$\frac{2}{3}$	50	
Empannelling a jury, -	1	50				
Serving fieri facias, including persons summoned, - -	38	$\frac{2}{3}$	38	$\frac{2}{3}$	2	
Serving citation, -	38	$\frac{2}{3}$	38	$\frac{2}{3}$	50	
Executing a warrant of survey per day, -	1	25				
Summoning evidences to prove the bounds of land, each - -	38	$\frac{2}{3}$	38	$\frac{2}{3}$	50	
If empowered to swear evidences, for each person	16	$\frac{2}{3}$				
Serving a subpœna and return, - - -	38	$\frac{2}{3}$	38	$\frac{2}{3}$	50	
For keeping a prisoner in gaol and finding him victuals per day, - -	20					

	<i>D. C.</i>	<i>D. C.</i>	<i>D. C.</i>
Serving a writ of possession in ejectment and ret.	1 86	1 86	2
Serving an ejectment and return, - - -	85	85	2
Serving an attachment and return, - - -	63 $\frac{1}{3}$	63 $\frac{1}{3}$	2
Serving a writ of estrepement and return, -	1 25	1 25	2
Serving ne exeat and return,	3 33 $\frac{2}{3}$		
Serving a copy of declaration or short note, -	6 $\frac{2}{3}$		
Summoning appraisers, each, - - -	38 $\frac{2}{3}$	38 $\frac{2}{3}$	50
Swearing the same, for every oath, - - -	16 $\frac{2}{3}$		
Serving an attachment on judgment, or execution and return, -	13 $\frac{1}{3}$	13 $\frac{1}{3}$	2
Executing a writ, ad quod damnum, &c. per day,	1 25		
Empanelling a jury on the same, - - -	3		
Swearing them, for every oath, - - -	16 $\frac{2}{3}$		
Taking an inquisition, and returning the same with the writ, -	1 25		
Serving a writ of restitution and return, - - -	1 86 $\frac{2}{3}$	1 86 $\frac{2}{3}$	2
Empanelling a jury to enquire of forcible entry, &c. - - -	3		
For each person summoned as an evidence, -	38 $\frac{2}{3}$	38 $\frac{2}{3}$	50
For summoning chain carriers, each, -	38 $\frac{2}{3}$		
For swearing, do. each oath,	16 $\frac{2}{3}$		

D. C. D. C. D. C.

For an arrest on warrant and return in criminal ca- ses, ...	30			
For serving duces tecum, and return, ...	30			
Return on an attachment, when mesne process, ...	$13\frac{1}{3}$			
For laying an attachment in any garnishees's, hands, for each garnishee, ...	$38\frac{2}{3}$			
For goods and chattels which are taken on at- tachment the same fees as chargeable in execution.				
Returning fieri facias, or re- plevin, each	$13\frac{1}{3}$			
The same fees upon a fi. fa. or replevin as on attach- ment. Also, the same fees on appraisement and sale of goods distrained and sold for rent.				
Serving writ of retorno ha- bendo and return, ...	1 25	1 25	2	
Serving writ of destringas and return, ...	1 25	1 25	2	
Serving a return of eligiti- on or liberati, ...	1 25	1 25	2	
Empannelling a jury on eligiti on or extent, ...	3			
For swearing the same each, ...	$16\frac{2}{3}$			
Serving writ of restitu- tion, ...	1 86 $\frac{2}{3}$	1 86 $\frac{2}{3}$	2	
Summons in partition for every person sum- moned and return, ...	$38\frac{2}{3}$	$38\frac{2}{3}$	50	

	<i>D. C.</i>	<i>D. C.</i>	<i>D. C.</i>
Serving writ of parti- on and return, -	38 $\frac{2}{3}$	38 $\frac{2}{3}$	2
Empannelling jury thereon 3			
Swearing the jury, each	16 $\frac{2}{3}$		
Attendance per day, -	1 25		
Serving an attachment in partition and return,	1 50	1 50	2
Returning enquiry of da- mages, - - -	1 25		
Empannelling jury there- on, - - -	3		
Swearing the jury each,	16 $\frac{2}{3}$		
Attendance per day, -	1 25		
Proclamation of rebellion and return, - -	1 50		
Serving with. and re- turn, - - -	1 25	1 25	2
And the same fees allowed as in replevins.			
		18 99	34

The fees in the foregoing table are all reduced from tobacco into the currency of the United States. From this it will appear that in those cases where the marshal's fees differ from the sheriffs, they are nearly doubled. And that they are what constitutes the principal duties of his office. And that the marshal has in addition 5 dollars per day for attending court, and 4 dollars for summoning the grand jury.

These fees are from Herty's digest of the laws of Maryland and the United States.

C.

MARSHAL'S FEES,

By act of Cong. Feb. 28, 1799, chap. 125, sec. 1.

	Dol.	Cts.
For the service of writ, warrant, attachment or process for each person so named,	2	00
For his travel in serving, per mile,	-	05
For each bail bond	-	50
For summoning witnesses or appraisers, each,	-	50
For every commitment or discharge of a prisoner,	-	50
For every proclamation to the admty.	-	50
For sales of vessels or other property, under 500 dollars, $2\frac{1}{2}$ per cent.—over that, $1\frac{1}{4}$ per cent.		
Summoning a grand jury,	-	4 00
For attending circuit court per day,	-	5 00
For all other services not herein enumerated, except as shall be hereafter provided, such fees and compensations as are allowed in the supreme court of the state where such services are rendered.		

D.

CLERK'S FEES

Of a CIRCUIT and DISTRICT COURT.

Act of U. S. passed Feby. 28, 1799—chap. 125.

“THE same fees as are allowed in the Supreme court of said state, with an addition thereto,

of one third of the same fees ; and 5 dollars per day for his attendance at any circuit or district court, and at the rate of 10 cents per mile from the place of his abode."

By the same act, the Cryers and Bailiffs are allowed 2 dollars per day.

E.

A STATEMENT

*of suits, on the several dockets, G. C. Dis. Col.
Washington county, exclusive of capital of-
fences.*

Terms.	Appearances	Imprl.	Trials.	Appeals	Equity.	Judn.	Criml.
1801.							
June term,	200						3
Sept. term,	300	195		4			32
Dec. term,	263	189	193	4			36
	763	384	193	8			71
1802.							
March term,	272	146	329	7			27
July term,	386	235	216	8			24
Dec. term,	461	276	201	8			45
	1119	657	746	23			96
1803.							
July term,	514	331	245	11			61
Dec. term,	366	392	217	6			32
	880	723	462	17			93
1804.							
July term,	467	316	267	7			65

The number of appearances is the number of suits brought—including as well those not served as those which are served. And the subsequent courts include the appearances of the former courts not executed.

The appeals are brought forward from every court—at least such as are untried.

H.

THADDY HOGAN

Against

WILLIAM RHODES.

Thaddy Hogan sued for the loan of a bed, while it was held for the Marshal, who had attached it in consequence of judgment against Hogan. Hogan's claim was about 13 dollars—Brought before a Magistrate, who gave judgment against Hogan. Hogan carried it into the court by appeal, where the Judges reversed the judgement of the Magistrate, and Rhodes had to pay about 150 dollars.

Determined in July, 1803.

The above statement was made by William Rhodes to N. King, for the purpose of being laid before the Delegation, on Monday, 26th November, 1804.

N. K.

I.

EXPENCES OF AN UNCONTENDED SUIT.

ESTIMATE of Expences attendant on a Suit in the Circuit Court of the District of Columbia, for Washington County.

A debt of \$21 00.

The instant a defendant is served with a writ, provided he immediately pays the debt, the costs are seldom less than 10 00

The expences of a writ—To the Clerk (which varies as the length of the pleadings vary) 465 lbs. of tobacco \$ 7 92
 Attorney's fee 6 67
 Marshal—for serving the writ, bail bond and leaving copy nar. 2 57

Plaintiff's Costs, . . . 17 16
 Defendants Costs—Attorney 6 67
 Clerk 42 lbs. 0 70

7 37

Thus far to the time of judgment . \$ 24 53

An Execution issues against the Defendant, . . . debt . . . \$ 21 00
 Cost, . . . 24 53

45 53

Clerk's fees for issuing
 Executions 58²/₃ 99
 Marshal's for serving 2 00
 Poundage or 26. 67 2 00
 7¹/₂ per cent 18. 86 1 30

5 30

51 82

If a fi. fa. ad. cost for swear-

ing appraisers - - - - 2 67

\$ 54 49

*Copy of Presentment by Grand Jury. July term,
1804.*

DISTRICT OF COLUMBIA, } JULY TERM, 1804.
County of Washington, }

WE, the Grand Inquest of the United States for the district and county aforesaid, do on our oaths present as a grievance, *so much* of the act of Congress, entitled "an act additional to, and amendatory of an act" entitled "an act concerning the district of Columbia," as goes to repeal certain parts of two acts of Congress, whereby compensation was allowed to justices of the peace and to jurors.

We also present as a further grievance the exorbitant fees allowed to the attorney general, the gentlemen of the bar, the marshal and the clerk as practised in the circuit court of said county.

The above presentment is founded on the inconsistency of requiring services of one description of persons without compensation and providing for others so liberally as to be productive of serious injury and evil to a considerable portion of the community.

We further present as a grievance, *so much* of the act of Congress as exempts the persons of debtors for sums not exceeding twenty dollars from

imprisonment, and the method now exercised of summoning *daily* the petit jurors.

It is respectfully solicited that the honorable court will order the above presentment to be published in the City and George town newspapers, and also to have the same laid before Congress at their next session.

THOMAS CORCORAN, *Foreman.*

True Copy—

Testis,

URIAH FORREST, *Clerk.*



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